

Message Text

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3771

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DEPT PASS TO VA

SUMMARY: EMBASSY INTERNAL POLICY IS TO REQUIRE OFFICIAL U.S. GOVERNMENT VEHICLES REGISTERED BY EMBASSY TO HAVE NO-FAULT INSURANCE. HOWEVER, WISH TO MAINTAIN PRINCIPLE THAT GOP CANNOT REQUIRE SUCH AS CONDITION FOR REGISTRATION. REQUEST INFO ON HOW FOREIGN MISSION VEHICLES ARE TREATED ON THIS ISSUE IN U.S. END SUMMARY.

1. EMBASSY AS AN INTERNAL OVERALL POLICY WILL REQUIRE ALL OFFICIAL U.S. GOVERNMENT VEHICLES REGISTERED BY THE EMBASSY TO OBTAIN AT LEAST THE COMPULSORY NO-FAULT MOTOR VEHICLE INSURANCE REQUIRED BY PHILIPPINE LAW EXCEPT AS DESCRIBED IN PARA 3 BELOW. AT PRESENT TIME ONLY VA, JUSMAG, AND DAO VEHICLES DO NOT HAVE THE ABOVE INSURANCE.

2. DUE TO THE FACT THAT VA CLAIMS AUTHORITY DOES NOT ALLOW PAYMENT OF NO-FAULT CLAIMS (75 STATE 300622), EMBASSY DEEMS IT ESSENTIAL FOR THEM TO COMPLY WITH EMBASSY POLICY IN ORDER TO BE ABLE TO SATISFY THE PURPOSES OF PHILIPPINE LAW.

3. WHILE EMBASSY BELIEVES THAT DAO AND JUSMAG VEHICLES COULD BE REQUIRED TO COMPLY WITH EMBASSY POLICY, DUE TO THE FACT THAT APPARENTLY THE MILITARY CLAIMS PROCEDURE ALLOWS PAYMENT OF MOST NO-FAULT CLAIMS, WE ARE PREPARED TO BE MORE FLEXIBLE. THEREFORE, IF GOP ACKNOWLEDGES THAT NEW

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INSURANCE REQUIREMENTS ARE NOT TECHNICALLY APPLICABLE TO

FOREIGN DIPLOMATIC MISSION VEHICLES AND MILITARY CLAIM PROCEDURE WILL COVER NO-FAULT CLAIMS, EMBASSY WILL NOT REQUIRE INSURANCE FOR MILITARY VEHICLES REGISTERED BY THE EMBASSY. HOWEVER, SO FAR INFORMAL DISCUSSIONS WITH LOW LEVEL GOP AUTHORITIES INDICATE THEY WILL REQUIRE INSURANCE OF ALL MISSION VEHICLES AS A CONDITION TO REGISTRATION.

4. AT PRESENT TIME, EMBASSY AND MILITARY OFFICIALS ARE DISCUSSING WITH GOP OFFICIALS THE APPLICABILITY OF NEW INSURANCE LAW TO U.S. MILITARY VEHICLES AT THE BASES (SEE MANILA 2544 AND STATE 75-300622). WHILE WE RECOGNIZE THIS IS SOMEWHAT OF A DIFFERENT PROBLEM AS IT INVOLVES PROVISIONS OF THE MILITARY BASES AGREEMENT, THE EMBASSY DOES NOT WISH TO PREMATURELY TAKE ANY ACTION THAT COULD BE INTERPRETED BY THE GOP AS PREJUDICING THE U.S. MILITARY POSITION ON THIS MATTER.

5. THEREFORE, WHILE EMBASSY FOR POLICY REASON WILL REQUIRE EMBASSY REGISTERED OFFICIAL VEHICLES TO HAVE THE NECESSARY INSURANCE (EXCEPT PERHAPS JUSMAG AND DAO VEHICLES), WE WOULD ALSO LIKE TO SUSTAIN THE PRINCIPLE THAT GOP CANNOSQLREQUIRE SUCH AS A CONDITION TO REGISTRATION OF MISSION VEHICLES. EMBASSY BELIEVES PRINCIPLE IMPORTANT AS FUTURE PRESIDENTIAL DECREES MAY REQUIRE OTHER MORE ONEROUS CONDITIONS FOR REGISTRATION (I.E., NO EIGHT-CYLINDER CARS, GAS-SAVING DEVICES, ETC.).

6. HOWEVER, IN ORDER TO KNOW HOW FAR THE EMBASSY SHOULD MAINTAIN THE PRINCIPLE OF INSURANCE EXEMPTION, IT WOULD BE HELPFUL TO KNOW THE FOLLOWING: (1) ARE FOREIGN MISSIONS IN THE U.S. REQUIRED TO COMPLY WITH THE APPLICABLE VEHICLE INSURANCE REQUIREMENTS OF THE PLACE WHERE THEIR VEHICLES ARE REGISTERED; (2) IF REQUIRED, CAN THEY BE EXEMPTED BASED ON RECIPROCITY; AND (3) IF FOREIGN MISSIONS IN THE U.S. ARE NOT PRESENTLY REQUIRED TO COMPLY WITH D.C. OR STATE INSURANCE LAWS, DEPARTMENT'S OPINION AS TO WHETHER AS A MATTER OF INTERNATIONAL LAW AND CUSTOM, THEY COULD BE REQUIRED TO PURCHASE INSURANCE.

7. DEPENDING ON ANSWERS TO ABOVE, EMBASSY WILL THEN LIMITED OFFICIAL USE

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BE ABLE TO DETERMINE WHETHER THIS ISSUE WOULD BE FORMALLY DISCUSSED WITH DFA OR IF WE SHOULD MERELY ACQUIESCE IN THE REQUIREMENT.

8. AS ALL VEHICLES SHOULD BE REGISTERED IN THE NEAR FUTURE, APPRECIATE REPLY ASAP.
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